



CITY OF SUNNYVALE REPORT Planning Commission

November 24, 2003

SUBJECT: **City of Sunnyvale Redevelopment Agency** – Adoption of a proposed amendment to the Central Core Redevelopment Plan.

REPORT IN BRIEF

The Redevelopment Plan for the Central Core Redevelopment Project was adopted in 1975. The Redevelopment Agency of the City of Sunnyvale is now proposing to amend the Plan in order to reinstate eminent domain authority for a period of twelve years on non-residential properties in the Central Core Redevelopment Project Area, excluding properties on which persons reside. The Agency will also amend the Plan to clarify that the Plan will be in conformance with the City's General Plan and the Downtown Specific Plan as they currently exist and as they may be amended in the future. The proposed Amendment would further the Agency's efforts to alleviate blight and enhance the economic vitality of the Project Area. The City Council and Agency Board is expected to consider approval of the Plan Amendment at a public hearing on December 16, 2003.

Staff recommends that the Planning Commission adopt the attached resolution and recommend that the City Council adopt the Plan Amendment.

BACKGROUND

On November 11, 2003, the Sunnyvale City Council and the Sunnyvale Redevelopment Agency Board authorized a joint public hearing to be held on December 16, 2003 to consider adoption of a proposed amendment to the Central Core Redevelopment Plan. The proposed amendment will conform the land uses in the Redevelopment Plan to the recently amended General Plan and Downtown Specific Plan and reinstate the Agency's eminent domain authority over non-residential properties for twelve years.

The Sunnyvale City Council adopted the Redevelopment Plan for the Central Core Redevelopment Project on November 26, 1975, establishing approximately a 184-acre redevelopment project area. Under Redevelopment Law, the provision for eminent domain remains in effect for twelve years, and therefore the authority has expired.

The reinstatement of the eminent domain authority would be exactly in the same manner as it existed. The Plan Amendment expressly prohibits the Agency from using the power of eminent domain to acquire residential dwellings. These provisions were intentionally adopted so as to protect

homeowners from the possibility of having their homes purchased through condemnation.

In addition, the Plan Amendment also conforms the land uses under the Redevelopment Plan with the land uses permitted under the recently amended General Plan and Downtown Specific Plan.

DISCUSSION

One purpose of the proposed Plan Amendment is to reinstate the deadline for commencement of eminent domain proceedings by the Agency over non-residential property within the Central Core Redevelopment Project Area for twelve years. Although the Plan has authorized eminent domain (condemnation) within the Project Area since its adoption in 1975, the authority has expired. The proposed Plan Amendment would provide for twelve years of Agency power of eminent domain over non-residential properties.

To effectively continue to implement redevelopment activities in Sunnyvale, an amendment to the Redevelopment Plan is necessary and appropriate to reinstate the Agency's eminent domain authority for twelve years. The amendment will not add territory to the Redevelopment Project Area, change the financing provisions, or grant any different authority to the Agency.

Although, the Agency would only use eminent domain to acquire property as a last resort if negotiations were unsuccessful, it remains an important tool for the Redevelopment Agency to maintain. Should the Agency exercise its power of eminent domain in the future, strict requirements of State law will be followed to insure that property owners receive fair compensation as well as relocation and certain tax benefits.

The second purpose of the Plan Amendment is to conform the land uses under the Redevelopment Plan to the land uses in the recently amended General Plan and Downtown Specific Plan. The proposed Amendment will clarify that the governing land use authority for the Plan is the City's General Plan, Downtown Specific Plan and Zoning Code as they currently exist, and as they may be amended in the future.

On June 17, 2003, the City Council adopted General Plan Amendments to the downtown area to revise land uses and heights. On October 14, 2003, the City Council adopted amendments to the Downtown Specific Plan and Zoning Code. The Downtown Specific Plan builds on the General Plan land uses and building heights, and provides more specific direction about public and private improvements, including goals and policies, building design guidelines, and infrastructure improvements. In addition, the City's Zoning Code has been updated to reflect permitted land uses and applicable development standards. The Project Area is included within the Downtown Specific Plan area. Thus, with the proposed amendment, these recently adopted land use modifications will govern future land uses for properties within the Project Area.

Notices have been sent to all property owners and occupants in the Redevelopment Area (approximately 2100 notices by first class mail) and notice was published in the local newspaper, *The Sun*, as required by Redevelopment Law. The notice informs persons of a Community Meeting to be held on

December 3, 2003 at 7:00 p.m. in the Council Chambers and joint public hearing with the City Council/Redevelopment Agency on December 16, 2003 at 7:30 p.m. in the Council Chambers to consider adoption of the Plan Amendment.

As required by Redevelopment Law, a redevelopment plan amendment of this nature must be referred to the Planning Commission for its report on General Plan conformance and its recommendations to the City Council/Redevelopment Agency Board regarding approval of the amendment. The Plan Amendment purpose is to conform the land uses under the Redevelopment Plan with the land uses permitted under the recently amended General Plan and Downtown Specific Plan and to reinstate the Agency's eminent domain authority over non-residential properties for twelve years. The amendment does not change any of the goals and objectives, financing, or other provisions of the Plan. Under Redevelopment Law, a redevelopment plan must be consistent with the general plan.

Staff recommends that the Planning Commission adopt the attached resolution recommending that the City Council adopt the Plan Amendment and finding that:

1. The Planning Commission finds that the proposed Plan Amendment is a component of and is consistent with the project analyzed in the Program EIR, therefore, no additional review is required and that the Plan Amendment is subject to the Mitigation Monitoring Program adopted by the Council for the Program EIR.
2. Pursuant to Section 33346 of the Community Redevelopment Law, the Redevelopment Plan as amended by the proposed Plan Amendment conforms to the General Plan;
3. Pursuant to Section 65402 of the Government Code, acquisition of property by the Agency, if any, pursuant to the Redevelopment Plan, as amended by the proposed Plan Amendment, conforms to the General Plan;
4. The Planning Commission recommends to the City Council approval and adoption of the Plan Amendment and in the event that prior to its adoption, the City Council desires to make any minor, technical, or clarifying changes to the Plan Amendment, the Planning Commission hereby finds and determines that any such minor, technical, or clarifying changes need not be referred to it for further review and recommendation, and hereby waives its report and recommendation under Section 33455 of the Community Redevelopment Law concerning and such change; and
5. The Planning Commission deems this Resolution to be the report and recommendation of the Planning Commission concerning the proposed Plan Amendment and contemplated public projects and activities under the Redevelopment Plan, as amended by the proposed Plan Amendment, as required under Section 33453 of the Community Redevelopment Law.

ENVIRONMENTAL REVIEW

As part of the Downtown Improvement Program Update, the City prepared a Program Environmental Impact Report ("the Program EIR") pursuant to the California Environmental Quality Act ("CEQA") to consider and analyze the environmental impacts related to the Project, including adoption of amendments to the Land Use and Transportation Element of the General Plan, the Downtown Specific Plan and the Zoning Code. The Program EIR was certified by the Council at its June 17, 2003 meeting (Resolution No. 123-03), where Council found that it presented an adequate and extensive assessment of the environmental impacts of the Project, and adopted a statement of overriding considerations related to certain impacts on traffic and air quality, and adopted a mitigation monitoring program. The proposed amendments to the Redevelopment Plan are components of and consistent with the Project analyzed in the Program EIR, therefore, no additional review is required. The Redevelopment Plan Amendment is subject to the Mitigation Monitoring Program adopted by the Council for the Project.

FISCAL IMPACT

The provision of eminent domain authority for the Agency will enable the Redevelopment Agency to implement the goals of the Redevelopment Plan and should have a positive financial impact on the Redevelopment Project Area and those properties located within the Project Area. It is estimated that the Plan Amendment process will cost approximately \$20,000 in consulting, legal fees, noticing costs, and related items. Sufficient funds to pay for these costs are included in the Agency's FY 2003/2004 Operating and Project Budget 814950.

PUBLIC CONTACT

Public contact was made through posting of the Commission agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page and the availability of the report in the Library and the City Clerk's Office.

ALTERNATIVES

1. Adopt the attached resolution recommending that the City Council adopt the Plan Amendment.
2. Do not adopt the attached resolution.

RECOMMENDATION

Staff recommends that the Planning Commission approve Alternative #1.

Prepared by:

Brice McQueen
Redevelopment Manager

Reviewed by:

Robert Paternoster
Director of Community Development

Approved by:

Robert S. LaSala
City Manager

Attachments:

1. Resolution of the Planning Commission recommending adoption of the proposed amendment.
2. Eminent Domain Amendment.
3. Notice to Property Owners and Occupants.

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF SUNNYVALE RECOMMENDING ADOPTION OF THE PROPOSED
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
CENTRAL CORE REDEVELOPMENT PROJECT**

WHEREAS, the Redevelopment Agency of the City of Sunnyvale has submitted to the Planning Commission of the City of Sunnyvale a proposed Amendment (the "Plan Amendment") to the Redevelopment Plan for the Central Core Redevelopment Project; and

WHEREAS, the City has previously prepared a Program Environmental Impact Report ("the Program EIR") pursuant to the California Environmental Quality Act ("CEQA") to consider and analyze the environmental impacts related to adoption of amendments to the Land Use and Transportation Element of the General Plan, the Downtown Specific Plan and the Zoning Code. The Program EIR was certified by the Council at its June 17, 2003 meeting (Resolution No. 123-03), where Council found that it presented an adequate and extensive assessment of the environmental impacts of the Project, and adopted a statement of overriding considerations related to certain impacts on traffic and air quality, and adopted a mitigation monitoring program; and

WHEREAS, Plan Amendment incorporates the City's General Plan land uses and land use standards, as recently amended, into the Redevelopment Plan, and the Plan Amendment would facilitate redevelopment of the Central Core Redevelopment Project in a manner consistent with the General Plan, as amended; and

WHEREAS, Section 33453 of the Community Redevelopment Law (Health and Safety Code, Section 33000 *et. seq.*) provides that the Planning Commission is to review the proposed Plan Amendment and make its report and recommendation thereon to the Agency and the City Council of the City of Sunnyvale, including a determination whether the Plan Amendment conforms to the General Plan of the City of Sunnyvale; and

WHEREAS, Section 65402 of the Government Code provides in part: "(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposed, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such

public building, or structure have been submitted to and reported upon by the planning agency as to the conformity with said adopted general plan or part thereof . . . "; and

WHEREAS, Section 65402 of the Government Code provides in part: "(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof . . . "; and

WHEREAS, the Planning Commission's report and recommendation, including matters referred to in Section 65402 of the Government Code, are to be made to the Agency and the City Council for their consideration in acting on the adoption of the Plan Amendment; and

WHEREAS, the Planning Commission has reviewed the City of Sunnyvale General Plan, as amended, and the proposed Plan Amendment, the Program EIR, and the staff report accompanying this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SUNNYVALE THAT:

1. The Planning Commission finds that the proposed Plan Amendment is a component of and is consistent with the project analyzed in the Program EIR, therefore, no additional review is required and that the Plan Amendment is subject to the Mitigation Monitoring Program adopted by the Council for the Program EIR.

2. Pursuant to Section 33346 of the Community Redevelopment Law, the Redevelopment Plan as amended by the proposed Plan Amendment conforms to the General Plan;

3. Pursuant to Section 65402 of the Government Code, acquisition of property by the Agency, if any, pursuant to the Redevelopment Plan, as amended by the proposed Plan Amendment, conforms to the General Plan;

4. The Planning Commission recommends to the City Council approval and adoption of the Plan Amendment and in the event that prior to its adoption, the City Council desires to make any minor, technical, or clarifying changes to the Plan Amendment, the Planning Commission hereby finds and determines that any such minor, technical, or clarifying changes need not be referred to it for further review and recommendation, and hereby waives its report and recommendation under Section 33455 of the Community Redevelopment Law concerning and such change; and

5. The Planning Commission deems this Resolution to be the report and recommendation of the Planning Commission concerning the proposed Plan Amendment and contemplated public projects and activities under the Redevelopment Plan, as amended by the proposed Plan Amendment, as required under Section 33453 of the Community Redevelopment Law.

Adopted by the Planning Commission at a regular meeting held on November 24, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:
City Clerk

APPROVED:

Chair

**EMINENT DOMAIN AMENDMENT
TO THE CENTRAL CORE REDEVELOPMENT PLAN**

Adopted December __, 2003

Ordinance No. _____

I. INTRODUCTION

The City Council of the City of Sunnyvale has adopted the Central Core Redevelopment Plan by Ordinance No. 1796-75, dated November 26, 1975, as amended by Ordinance No. 2200-87, adopted on January 6, 1987, as amended by Ordinance No. 2448-93, dated on October 5, 1993, and as further amended by Ordinance No. 2493-94, adopted on December 20, 1994 (the "Redevelopment Plan") establishing the Central Core Redevelopment Project Area (the "Project Area"). The Project Area is shown in the attached Attachment 1. The Redevelopment Plan, as previously amended, currently contains a time limit of December 30, 1998 for commencement by the Redevelopment Agency of the City of Sunnyvale (the "Agency") of eminent domain proceedings with respect to property within the Project Area. This time limit may be extended only by amendment of the Redevelopment Plan. This amendment (the "Amendment") has been prepared by Agency staff to extend the Agency's power of eminent domain in the Project Area for an additional twelve (12) years and to conform land uses with the General and Downtown Specific Plan.

II. AMENDMENT TO PLAN

A. The Plan is hereby to provide as follows:

"The Agency must commence eminent domain proceedings with respect to any property which it intends to acquire by not later than the date twelve (12) years after the date of adoption of the ordinance adopting the Amendment. This time limit for commencement of eminent domain proceedings may be extended only by amendment of the Redevelopment Plan."

- B. Any references to land uses, circulation and the General Plan in the Plan, as herebefore amended, are hereby amended to read as follows:

"PERMITTED LAND USES

A. Overview of Regulations

The City has adopted a General Plan which is in full conformance with the State requirements for general plans.

The permitted land uses, land use standards, development goals, objectives and policies, and other evaluation guidelines of this Redevelopment Plan shall be those set forth in the General Plan and the Downtown Specific Plan, as they now exist or are hereafter amended. It is further intended that all provisions of the Zoning Ordinance, as it now exists or hereafter be amended, shall be applicable to developments in the Project Area, and that all development in the Project Area shall comply with all applicable state and local laws, codes and ordinances in effect from time to time in the City, in addition to any requirements of the Agency imposed pursuant to this Amendment.

Finally, the applicable City zoning and planning processes (including any moratoria or temporary development restrictions imposed by the City) shall continue to have full effect and shall continue to serve as the primary determinant for land use decisions in the Project Area. Without limiting the generality of the foregoing, and subject to the following paragraph, the Planning Commission, the City Council, City departments, and other City boards and commissions shall perform the same functions for consideration and approval or disapproval of development applications, permits and other entitlements for properties within the Project Area that are subject to the Redevelopment Plan, as for properties outside the Project Area that are not subject to the Redevelopment Plan.

The City Council may, in its discretion through appropriate future legislation, amend applicable City planning or building codes and standards to provide for modified or streamlined processing of development applications within redevelopment project areas or other special zones. Any such amendment of City planning and building codes and standards shall thereafter apply to the processing of development applications in the Project Area in accordance with the terms of such amendment.

B. Permitted Land Uses

As noted in the overview to this Amendment, the Redevelopment Plan adopts the land uses set forth in the General Plan and the Downtown Specific Plan as the permitted uses within the Project Area. It is intended that the land uses set forth in the General Plan and the Downtown Specific Plan now or as it may hereafter be amended shall be the land uses governing the Redevelopment Plan.

C. Streets and Rights-of-Way

All streets within the Project Area may be widened, altered, or vacated for purposes of development of the Project. New streets may be created as necessary. The anticipated configuration of streets within the Project Area is shown in the General Plan and Downtown Specific Plan. These public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in the public rights-of-way. Any and all street vacations pursuant to the Redevelopment Plan shall be in accordance with the City's public hearing requirements as well as all other applicable law including, but not limited to, those provisions set forth in the California Streets and Highways Code.

Additional public streets, alleys and easements may be created in the Project Area as appropriate for proper development, consistent with maintaining and enhancing the rustic, informal character of the area, as well as the natural environment. Existing streets, alleys and easements may be abandoned, closed or modified as necessary for proper development of the Project.

Any changes in the existing interior or exterior street layout shall be in accordance with the General Plan, the Downtown Specific Plan, the objectives of the Redevelopment Plan, and the City's design standards, and shall be effectuated in the manner prescribed by state and local law.

D. General Controls and Limitations

All real property in the Project Area is hereby subject to the goals, objectives, policies, controls and requirements of the Redevelopment Plan (which expressly incorporates the goals, objectives, policies, controls and requirements of the General Plan, the Downtown Specific Plan and the Zoning Ordinance). No real property shall be developed, rehabilitated, or otherwise changed after the date of adoption of the Redevelopment Plan except in conformance with the provisions of the Redevelopment Plan, the General Plan,

the Downtown Specific Plan, the Zoning Ordinance, and all other applicable State and local laws and standards in effect from time to time.

New Construction

All new construction shall comply with all applicable State and local laws and standards in effect from time to time. Parking facilities shall be provided in accordance with the criteria set forth in the General Plan, the Downtown Specific Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, and any additional standards adopted by the Agency pursuant to Section E below. All parking shall be paved and drained so that storm and surface water drainage from parcels will not cross public sidewalks. All parking spaces visible from the street shall be landscaped as necessary to prevent unsightly barren appearances. Off-street loading facilities, trash areas and any outdoor storage of materials approved by the City and/or Agency shall be adequately enclosed or screened by walls, landscaping, or other such enclosure consistent with the applicable City ordinances.

Rehabilitation

Any structure within the Project Area which will be retained as part of this Project shall not be altered, reconstructed, or rehabilitated unless it is done so in conformance with the General Plan, Downtown Specific Plan, Zoning Ordinance, all applicable codes and any and all guidelines which may be adopted by the Agency to assist in the implementation of the Redevelopment Plan. This conformity shall extend to the architectural character, the public spaces and other elements as required by the City and/or Agency.

Open Spaces and Landscaping

The standards for open space to be provided within the Project Area will be set forth in the General Plan, Downtown Specific Plan and the Zoning Ordinance, as they now exist and may hereafter be amended, and are included as part of the goals and objectives of the Redevelopment Plan. These areas include, but are not limited to, the total of all areas which will be in the public rights-of-way, open space areas, the space around buildings, and all other outdoor areas not permitted through applicable limits of land coverage to be covered by buildings. Landscaping plans may be required to be submitted to the Agency for review and approval.

Non-Conforming Uses

The Agency is authorized to permit existing uses to remain and be repaired expanded and replaced, which uses do not otherwise conform

to the provisions of the Redevelopment Plan, provided that such uses are determined by the City under its applicable laws and land use regulations to be acceptable, and with such conditions as the City may apply.

Resubdivision of Parcels

After rehabilitation and development pursuant to the Redevelopment Plan, no parcel in the Project Area, including any parcel retained by a conforming owner or participant, shall be resubdivided without the approval of the Agency.

Utilities

The Agency will work with all utility companies to encourage the undergrounding of utility equipment, including, but not limited to, the following: transformer vaults or pads, water meters and valves, telephone pull boxes, manhole inlets, and drain facilities, and cable television.

Signs

Exterior signs necessary for the identification of buildings and premises shall be as permitted by the General Plan, Downtown Specific Plan and the Zoning Ordinance, as they now exist or may hereafter be amended, provided that they comply with any design criteria established for the Project Area, including such additional standards as may be adopted by the Agency pursuant to Section E below. The Agency may require review by Agency staff, as well as the Planning Commission, of the complete sign program for a development, prior to the erection or installation of signs in any part of the Project Area.

Variances

In the event the City grants a variance from applicable City land use regulations for development of a parcel within the Project Area, such grant of variance shall be deemed to constitute a comparable variance from the land use standards of the Redevelopment Plan without additional action by the Agency.

In addition, the Agency is authorized to permit variances from any development standards adopted by the Agency pursuant to Section E. In order to permit such a variance the Agency must determine that:

a. The application of one or more of the provisions of the Redevelopment Plan would result in unnecessary hardship to the property owner; and

b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls; and

c. Permitting a variance from the limits, restrictions, or controls of the Redevelopment Plan will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and

d. Permitting a variance from the limits, restrictions or controls of such Agency development standards, regulations or policy guidelines will not be contrary to the objectives of the Redevelopment Plan; and

e. The grant of variance by the Agency will not result in development that conflicts with applicable City land use standards.

No such variance shall be granted which changes a basic land use pursuant to the Redevelopment Plan or which permits other than a minor departure from the provisions of the Redevelopment Plan. In permitting any variance, the Agency shall impose such conditions as are necessary to protect the public health, safety, and welfare and to assure compliance with the objectives of this Redevelopment Plan.

E. Additional Standards for Development

Within the limits, restrictions, and controls established in the General Plan, Downtown Specific Plan, Zoning Ordinance and the Redevelopment Plan, the Agency, is authorized to establish, by appropriate resolution, specific guidelines or standards for building heights, building coverage, design criteria, architectural character, landscaping character, sign character, traffic circulation ingress and egress, parking, and any other development and design control necessary to implement the Redevelopment Plan. Said guidelines and/or standards would relate to both private and public areas within the Project Area. No new development shall be constructed and no existing improvements shall be substantially modified, altered, repaired, or rehabilitated except in accordance with such adopted guidelines and/or standards for development. The Agency shall not approve plans which do not comply with any adopted guidelines and/or standards for redevelopment.

Height and Bulk

On any building site, the height and bulk of structures shall be regulated as provided in the City's General Plan, Downtown Specific Plan and Zoning Ordinance, as they now exist or as they may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section E above.

Density

The maximum permitted density of development (including dwelling unit density) on any building site shall be regulated as provided in the General Plan, Downtown Specific Plan and Zoning Ordinance, as they may hereafter be amended, and such additional standards as may be adopted by the Agency pursuant to Section E above.

F. Dwelling Units

As provided in the Redevelopment Plan, the maximum number of dwelling units in the Project Area shall be regulated as provided in the General Plan, Downtown Specific Plan and Zoning Ordinance, as they now exist or may hereafter be amended.

G. Building Permit

1. Review of Applications

Upon the adoption of the Redevelopment Plan, no permit shall be issued for the construction of any new building or the addition to an existing building or any permit for rehabilitation in the Project Area until the application for such permit has been processed in the manner herein provided. Any permit that is issued hereunder must be for construction or maintenance which conforms to the provisions of the Redevelopment Plan.

The procedure for filing an application for a building permit shall be the same procedure currently used by the City in processing building permit applications. Upon receipt of an application by the Building Department, the Building Department shall submit to the Executive Director (or the authorized designee(s) of the Executive Director) of the Agency said application for review to determine if the proposed improvements conform to the Redevelopment Plan. With fifteen (15) days thereafter, the Executive

Director or his or her designee(s) shall submit a report to the Building Division on said application. Said report shall:

- a) Deny the application.
- b) Approve the application.
- c) Approve the application with modifications or conditions deemed to be necessary by the Executive Director.

After receipt of the report or after fifteen (15) days from submittal of the application to the Executive Director or his or her designee(s), whichever occurs first, the Building Department shall issue the permit with conditions, if any, as set forth in the Executive Director's report, or shall deny the issuance of the permit pursuant to the Executive Director's report.

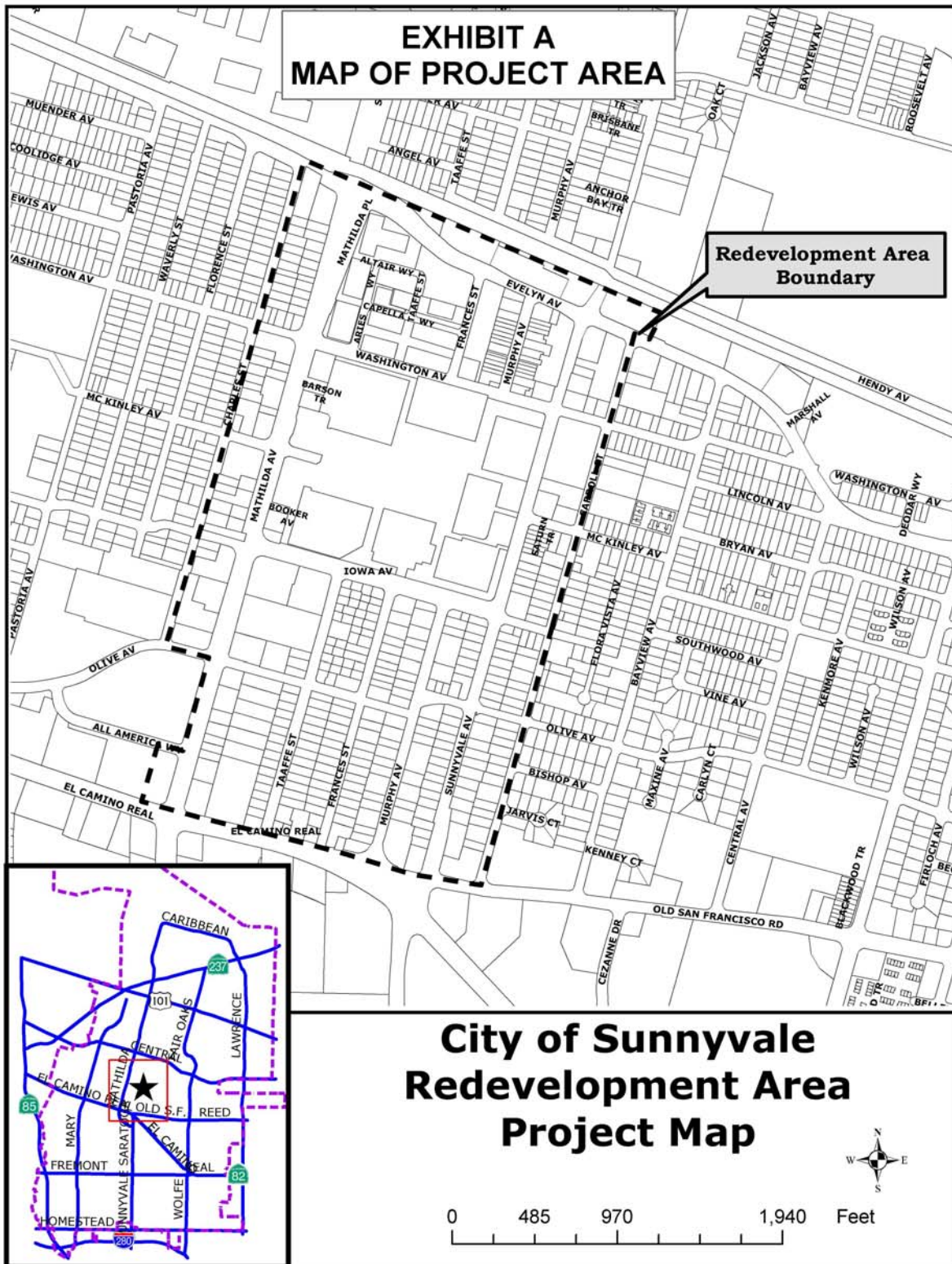
2. Appeal

The applicant or the Agency may appeal the Executive Director's decision to withhold, to conditionally allow or to allow the issuance of such a permit pursuant to established City procedures. The appeal will be made to the Agency Board of Directors within thirty (30) days from the date of the Executive Director's Report."

III. EFFECT OF AMENDMENT

All provisions of the Redevelopment Plan not inconsistent with in this Amendment shall continue in full force and effect.

ATTACHMENT 1



November 13, 2003

Dear neighbor in the Central Core Redevelopment Project Area:

Enclosed is information concerning the proposed Amendment to the Redevelopment Plan for the Central Core Redevelopment Project area.

The Redevelopment Agency of the City of Sunnyvale will be holding a Community Meeting on December 3, 2003 at 7:00 p.m., and a joint public hearing on December 16, 2003 at 7:30 p.m. in the City Council Chambers, located at 456 West Olive Avenue, Sunnyvale. The public hearing will be held to consider the adoption of the Plan Amendment. Attached is a copy of the legal notice for the public hearing.

The purposes of the proposed Plan Amendment are (1) to conform the land uses in the Redevelopment Plan to the recently amended General Plan and Downtown Specific Plan and (2) to reinstate the deadline for commencement of eminent domain proceedings by the Agency within the Central Core Redevelopment Project Area for twelve years. The current Plan has authorized eminent domain within the Project Area since its adoption in 1975, but has since expired. The Plan Amendment would reinstate for an additional twelve years the Agency's eminent domain authority over **non-residential** properties.

The latest information from the County indicates that you own or occupy property within the Project Area boundary. In compliance with the requirements of State law, this notice is being sent to you by U.S. mail. The notice is also being sent to businesses, residential tenants and community organizations located within the boundaries of the Project Area.

In accordance with Section 33350 of the California Health and Safety Code, you are hereby notified that all property in the Project Area is subject to acquisition by the Redevelopment Agency by purchase or eminent domain (condemnation) under the provisions of the proposed Plan Amendment, except that **ALL PROPERTY ON WHICH PERSONS RESIDE WILL NOT BE SUBJECT TO ACQUISITION BY EMINENT DOMAIN**. The Agency is required to formally notify property owners well in advance prior to making offers to purchase their property and has adopted procedures for that purpose. The Agency has no current plans to acquire particular properties. It is important to note that the Agency's use of this tool would be limited and used only as a last resort toward a project of greater community benefit, and the Agency will not use eminent domain to acquire property on which persons reside.

Your further inquiries and attendance at the public hearing would be greatly appreciated.

Sincerely

Brice McQueen
Redevelopment Manager
456 W. Olive Av.
Sunnyvale, CA 94086
(408) 730-7284

LEGAL NOTICE
COMMUNITY MEETING
JOINT PUBLIC HEARING

AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE
CENTRAL CORE REDEVELOPMENT PROJECT AREA

NOTICE IS HEREBY GIVEN that the Redevelopment Agency of the City of Sunnyvale (the "Agency") will hold a Community Meeting on December 3, 2003 at 7:00 p.m. and the City Council of the City of Sunnyvale (the "City Council") and the Agency will hold a joint public hearing on December 16, 2003 at 7:30 p.m. in the City Council Chambers, located at 456 West Olive Avenue, Sunnyvale, California. The hearing may be continued from time to time until completed. Any person desiring the opportunity to be heard will be afforded an opportunity to do so.

The purpose of the hearing is to consider a certain amendment described below to the Redevelopment Plan for the Central Core Redevelopment Project Area, adopted by Ordinance No. 1796-75 on November 26, 1975, and as amended by Ordinance No. 2200-87 on January 6, 1987, as amended by Ordinance No. 2448-93 on October 5, 1993, and as amended by Ordinance No. 2493-94 on December 20, 1994 (the "Plan"). The currently proposed amendment to the Plan is incorporated in a proposed Amendment to the Redevelopment Plan for the Central Core Redevelopment Project Area (the "Plan Amendment").

The purposes of the proposed Plan Amendment are to conform Redevelopment Plan land uses to the recently amended General Plan and Downtown Specific Plan and to reinstate the deadline for commencement of eminent domain proceedings by the Agency for non-residential property within the Central Core Redevelopment Project Area (the "Project Area") by twelve years. The Plan has authorized eminent domain (condemnation) within the Project Area since its adoption in 1975, but has since expired. The Plan Amendment would reinstate for an additional twelve years the Agency's power of eminent domain over non-residential properties.

The proposed Plan Amendment will not change any of the financial provisions of the Plan (e.g. limits on allocation of tax increment revenue to the Agency, limits on times to incur debt or collect tax increment, or limits on the amount of outstanding bonded indebtedness), or the proposed activities of the Agency to promote redevelopment of the Project Area.

The Project Area is situated in the County of Santa Clara, State of California, is more particularly described in Exhibit B. The boundaries of the Project Area will not be changed as a result of the Plan Amendment. A map showing the Project Area boundaries is attached as Exhibit A to this Notice.

As part of the Downtown Improvement Program Update, the City prepared a Program Environmental Impact Report ("the Program EIR") pursuant to the California Environmental Quality Act ("CEQA") to consider and

analyze the environmental impacts related to the Project, including adoption of amendments to the Land Use and Transportation Element of the General Plan, the Downtown Specific Plan and the Zoning Code. The Program EIR was certified by the Council at its June 17, 2003 meeting (Resolution No. 123-03), where Council found that it presented an adequate and extensive assessment of the environmental impacts of the Project, and adopted a statement of overriding considerations related to certain impacts on traffic and air quality, and adopted a mitigation monitoring program. The proposed amendments to the Redevelopment Plan are components of and consistent with the Project analyzed in the Program EIR, therefore, no additional review is required. The Redevelopment Plan Amendment is subject to the Mitigation Monitoring Program adopted by the Council for the Project.

Any and all persons having any comments on or objections to the proposed Plan Amendment, or the regularity of any prior proceeding, or who wish to speak on any issue raised by the Plan Amendment may appear at the hearing and show cause why the proposed Plan Amendment should not be adopted. In addition at any time not later than the time set forth for the hearing on the Plan Amendment, any person may file in writing with the City Clerk a statement of objections to the proposed Plan Amendment.

In accordance with the California Community Redevelopment Law, the Agency has prepared a Report on the Plan Amendment. The Plan Amendment, the Program EIR and Report on the Plan Amendment are available for inspection in the offices of the Agency, located at 456 West Olive Avenue, Sunnyvale, California. For further information about the Plan Amendment and related documents, please contact Brice McQueen, Redevelopment Manager for the Agency, at (408) 730-7284.

This notice is published pursuant to order of the City Council and the Redevelopment Agency of the City of Sunnyvale.

Date: November 13, 2003
Sunnyvale

Redevelopment Agency of the City of

For Publication on:

Brice McQueen, Redevelopment Manager

November 19, 2003

November 26, 2003

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EXHIBIT A

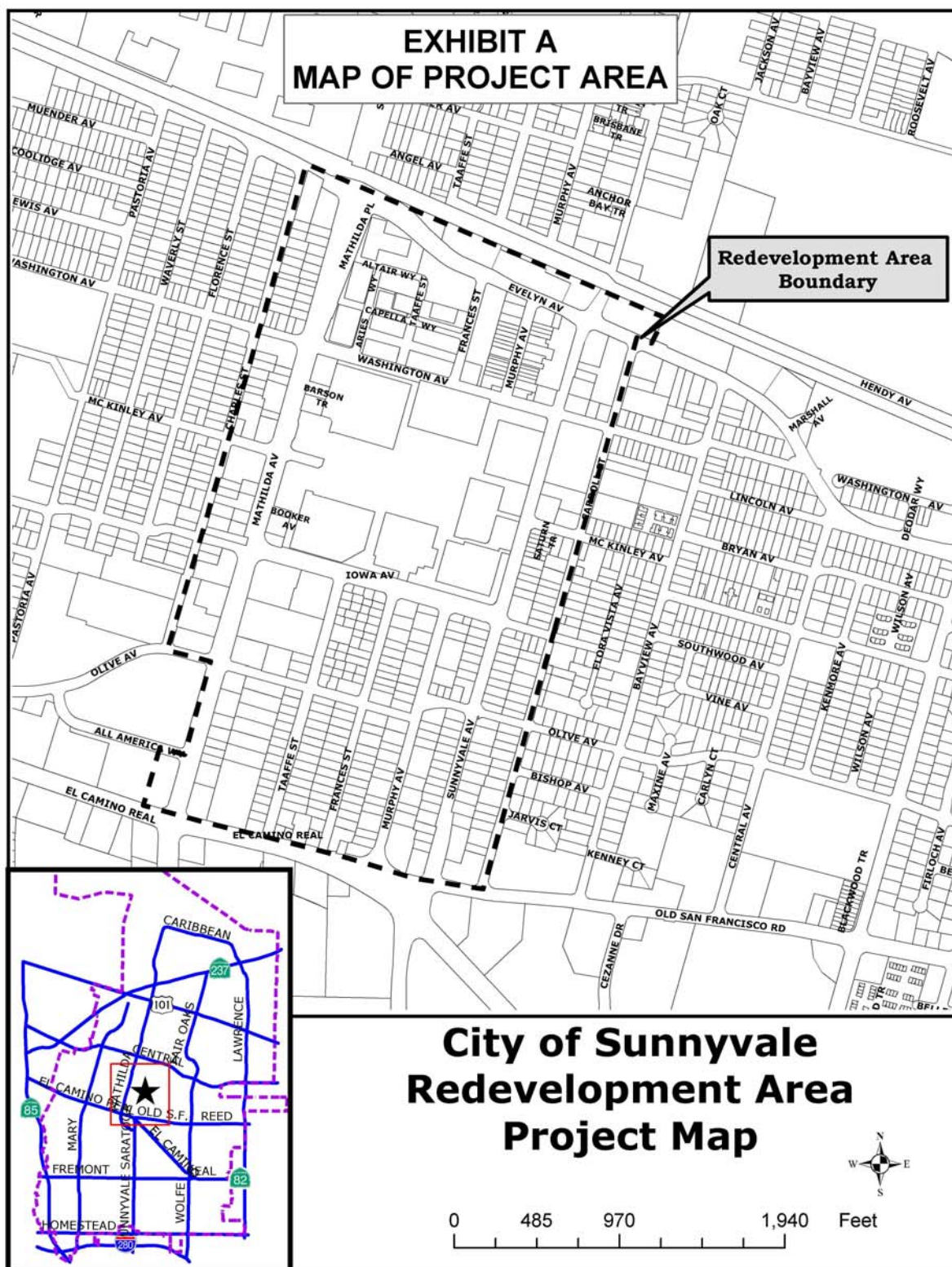


EXHIBIT B

DESCRIPTION OF REDEVELOPMENT PROJECT AREA

BEGINNING at the northeast corner of Old San Francisco Road and Carroll Street;

THENCE, northerly along the east side of Carroll Street to the north side of Evelyn Avenue;

THENCE, easterly along the north side of Evelyn Avenue to the easterly property line of the property shown on the Santa Clara County assessor's Rolls as lot 3, Page 5, Book 209;

THENCE, northerly along said property line to the southern Pacific Railroad right-of-way;

THENCE, westerly along said right-of-way, merging with the north side of Evelyn Avenue to a point opposite the extension of the west side of Charles Street;

THENCE, southerly along the west side of Charles Street to the south side of Olive Avenue;

THENCE, easterly along the south side of Olive Avenue to the west side of Mathilda Avenue;

THENCE, southerly along the west side of Mathilda Avenue to the north side of Civic Center Way;

THENCE, westerly along the north side of Civic Center Way to a point opposite the westerly property line of the properties shown on the Santa Clara County Assessor's Rolls as lots 94, 95, 123, and 124, Page 20, Book 163;

THENCE, southerly along side westerly property line to the north side of El Camino Real;

THENCE, easterly along the north side of El Camino Real to its junction with the north side of Old San Francisco Road;

THENCE, easterly along the north side of Old San Francisco Road to east side of Carroll Street, THE POINT OF BEGINNING.